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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

CASE NO.: 4:20-cv-03664-YGR

**DECLARATION OF MARK MAO IN
SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION**

Judge: Hon. Yvonne Gonzalez Rogers
Date: September 20, 2022
Time: 2:00 p.m.
Location: Courtroom 1 – 4th Floor

DECLARATION OF MARK C. MAO

I, Mark C. Mao, declare as follows.

1. I am a partner with the law firm of Boies Schiller Flexner LLP, counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the State of California. I have personal knowledge of the matters set forth herein and am competent to testify.

2. I submit this Declaration in support of Plaintiffs' Motion for Class Certification.

3. Attached hereto as **Exhibit 1** is a true and correct copy of a document Google produced in discovery labeled GOOG-BRWN-00406065.

4. Attached hereto as **Exhibit 2** is a true and correct copy of a document Google produced in discovery labeled GOOG-BRWN-00806426.

5. Attached hereto as **Exhibit 3** is a true and correct copy of a document Google produced in discovery labeled GOOG-BRWN-00441285.

6. Attached hereto as **Exhibit 4** is a true and correct copy of a document Google produced in discovery labeled GOOG-BRWN-00475063.

7. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from a document Google produced in discovery labeled GOOG-CABR-00084985.

8. Attached hereto as **Exhibit 6** is a true and correct copy of a document Google produced in discovery labeled GOOG-CABR-05287675.

9. Attached hereto as **Exhibit 7** is a true and correct copy of a document Google produced in discovery labeled GOOG-CABR-04971904.

10. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from a document Google produced in discovery labeled GOOG-CABR-00165706.

11. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from a document Google produced in discovery labeled GOOG-CABR-00093167.

12. Attached hereto as **Exhibit 10** is a true and correct copy of a document Google produced in discovery labeled GOOG-BRWN-00388293.

1 13. Attached hereto as **Exhibit 11** is a true and correct copy of a document Google
2 produced in discovery labeled GOOG-BRWN-00225677.

3 14. Attached hereto as **Exhibit 12** is a true and correct copy of a document Google
4 produced in discovery labeled GOOG-BRWN-00140297.

5 15. Attached hereto as **Exhibit 13** is a true and correct copy of Google's discovery
6 response to Plaintiffs' Interrogatory No. 1. Google served this discovery response on February
7 5, 2021.

8 16. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts from a
9 document Google produced in discovery labeled GOOG-BRWN-00490767.

10 17. Attached hereto as **Exhibit 15** is a chart summarizing the choice of law provisions
11 from Google's Terms of Service throughout the Class Period.

12 18. Attached hereto as **Exhibit 16** is a true and correct copy of Google's discovery
13 response to Plaintiffs' Requests for Admission Nos. 26 & 27. Google served this discovery
14 response on May 31, 2021.

15 19. Attached hereto as **Exhibit 17** is a true and correct copy of portions of the
16 deposition transcript of Google employee Christopher Palmer. This deposition was taken on
17 January 5, 2022.

18 20. Attached hereto as **Exhibit 18** is a true and correct copy of an excerpt from a
19 document Google produced in discovery labeled GOOG-CABR-05836882.

20 21. Attached hereto as **Exhibit 19** is a true and correct copy of a document Google
21 produced in discovery labeled GOOG-BRWN-00183662.

22 22. Attached hereto as **Exhibit 20** is a true and correct copy of excerpts from a
23 document Google produced in discovery labeled GOOG-BRWN-00048967.C.

24 23. Attached hereto as **Exhibit 21** is a true and correct copy of a document Google
25 produced in discovery labeled GOOG-CABR-04154452.

26 24. Attached hereto as **Exhibit 22** is a true and correct copy of a document Google
27 produced in discovery labeled GOOG-CABR-04508763.

1 25. Attached hereto as **Exhibit 23** is a true and correct copy of a document Google
2 produced in discovery labeled GOOG-CABR-04484908.

3 26. Attached hereto as **Exhibit 24** is a true and correct copy of a document Google
4 produced in discovery labeled GOOG-CABR-05766200.R.

5 27. Attached hereto as **Exhibit 25** is a true and correct copy of an excerpt from a
6 document Google produced in discovery labeled GOOG-CABR-05150754.

7 28. Attached hereto as **Exhibit 26** is a true and correct copy of a document Google
8 produced in discovery labeled GOOG-BRWN-00166653.

9 29. Attached hereto as **Exhibit 27** is a true and correct copy of excerpts from a
10 document Google produced in discovery labeled GOOG-CABR-05145513.

11 30. Attached hereto as **Exhibit 28** is a true and correct copy of a document Google
12 produced in discovery labeled GOOG-BRWN-00812710.

13 31. Attached hereto as **Exhibit 29** is a true and correct copy of a document Google
14 produced in discovery labeled GOOG-BRWN-00388293.

15 32. Attached hereto as **Exhibit 30** is a true and correct copy of a document Google
16 produced in discovery labeled GOOG-CABR-00501220.

17 33. Attached hereto as **Exhibit 31** is a true and correct copy of excerpts from a
18 document Google produced in discovery labeled GOOG-BRWN-00428101.

19 34. Attached hereto as **Exhibit 32** is a true and correct copy of a document Google
20 produced in discovery labeled GOOG-CABR-03849022.

21 35. Attached hereto as **Exhibit 33** is a true and correct copy of excerpts from a
22 document Google produced in discovery labeled GOOG-BRWN-00686207.

23 36. Attached hereto as **Exhibit 34** is a true and correct copy of Google's discovery
24 supplemental response to Plaintiffs' Interrogatory No. 40. Google served this discovery response
25 on March 9, 2022.

26 37. Attached hereto as **Exhibit 35** is a true and correct copy of portions of the
27 deposition transcript of Google's Rule 30(b)(6) designee Glenn Berntson. This deposition was
28

1 taken on March 18, 2022.

2 38. Attached hereto as **Exhibit 36** is a true and correct copy of a document Google
3 produced in discovery labeled GOOG-BRWN-00529122.

4 39. Attached hereto as **Exhibit 37** is a true and correct copy of a document Google
5 produced in discovery labeled GOOG-BRWN-00176477.

6 40. Attached hereto as **Exhibit 38** is a true and correct copy of a document Google
7 produced in discovery labeled GOOG-CABR-00411915.

8 41. Attached hereto as **Exhibit 39** is a true and correct copy of excerpts from a
9 document Google produced in discovery labeled GOOG-BRWN-00067645.

10 42. Attached hereto as **Exhibit 40** is a true and correct copy of a document Google
11 produced in discovery labeled GOOG-BRWN-00224755.

12 43. Attached hereto as **Exhibit 41** is a true and correct copy of a document Google
13 produced in discovery labeled GOOG-CABR-00552177.

14 44. Attached hereto as **Exhibit 42** is a true and correct copy of a document Google
15 produced in discovery labeled GOOG-CABR-05477364.

16 45. Attached hereto as **Exhibit 43** is a true and correct copy of a document Google
17 produced in discovery labeled GOOG-BRWN-00457255.

18 46. Attached hereto as **Exhibit 44** is a true and correct copy of a document Google
19 produced in discovery labeled GOOG-CABR-05371009.

20 47. Attached hereto as **Exhibit 45** is a true and correct copy of portions of the
21 deposition transcript of Google employee Ramin Halavati. This deposition was taken on January
22 18, 2022.

23 48. Attached hereto as **Exhibit 46** is a true and correct copy of a document Google
24 produced in discovery labeled GOOG-BRWN-00047390.

25 49. Attached hereto as **Exhibit 47** is a true and correct copy of a document Google
26 produced in discovery labeled GOOG-BRWN-00184875.

27 50. Attached hereto as **Exhibit 48** is a true and correct copy of a document Google
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1 produced in discovery labeled GOOG-BRWN-00157001.

2 51. Attached hereto as **Exhibit 49** is a true and correct copy of a document Google
3 produced in discovery labeled GOOG-CABR-04668451.

4 52. Attached hereto as **Exhibit 50** is a true and correct copy of a document Google
5 produced in discovery labeled GOOG-CABR-00413286.

6 53. Attached hereto as **Exhibit 51** is a true and correct copy of a document Google
7 produced in discovery labeled GOOG-BRWN-00182492.

8 54. Attached hereto as **Exhibit 52** is a true and correct copy of a document Google
9 produced in discovery labeled GOOG-CABR-00094550.

10 55. Attached hereto as **Exhibit 53** is a true and correct copy of portions of the
11 deposition transcript of former Google employee Rory McClelland. This deposition was taken
12 on February 18, 2022.

13 56. Attached hereto as **Exhibit 54** is a true and correct copy of a document Google
14 produced in discovery labeled GOOG-BRWN-00409986.

15 57. Attached hereto as **Exhibit 55** is a true and correct copy of excerpts from a
16 document Google produced in discovery labeled GOOG-BRWN-00477510.

17 58. Attached hereto as **Exhibit 56** is a true and correct copy of a document Google
18 produced in discovery labeled GOOG-CABR-05126022.

19 59. Attached hereto as **Exhibit 57** is a true and correct copy of excerpts of a document
20 Google produced in discovery labeled GOOG-CABR-05269357.

21 60. Attached hereto as **Exhibit 58** is a true and correct copy of a document Google
22 produced in discovery labeled GOOG-BRWN-00418249.

23 61. Attached hereto as **Exhibit 59** is a true and correct copy of a document Google
24 produced in discovery labeled GOOG-BRWN-00167337.

25 62. Attached hereto as **Exhibit 60** is a true and correct copy of a document Google
26 produced in discovery labeled GOOG-CABR-05603788.

27 63. Attached hereto as **Exhibit 61** is a true and correct copy of a document Google
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1 produced in discovery labeled GOOG-CABR-05536108.

2 64. Attached hereto as **Exhibit 62** is a true and correct copy of a document Google
3 produced in discovery labeled GOOG-CABR-0480313.C.

4 65. Attached hereto as **Exhibit 63** is a true and correct copy of excerpts from the
5 Investigation of Competition in Digital Markets, Majority Staff Report and Recommendations
6 Subcommittee on Antitrust, Commercial and Administrative Law of the Committee of the
7 Judiciary (2020).

8 66. Attached hereto as **Exhibit 64** is a true and correct copy of a document Google
9 produced in discovery labeled GOOG-CABR-04324934.

10 67. Attached hereto as **Exhibit 65** is a true and correct copy of a document Google
11 produced in discovery labeled GOOG-CABR-05370279.

12 68. Attached hereto as **Exhibit 66** is a true and correct copy of a document Google
13 produced in discovery labeled GOOG-BRWN-00390418.

14 69. Attached hereto as **Exhibit 67** is a true and correct copy of a document Google
15 produced in discovery labeled GOOG-BRWN-00410884.

16 70. Attached hereto as **Exhibit 68** is a true and correct copy of a document Google
17 produced in discovery labeled GOOG-CABR-04718352.

18 71. Attached hereto as **Exhibit 69** is a true and correct copy of a document Google
19 produced in discovery labeled GOOG-BRWN-00804212.

20 72. Attached hereto as **Exhibit 70** is a true and correct copy of a document Google
21 produced in discovery labeled GOOG-CABR-03764749.

22 73. Attached hereto as **Exhibit 71** is a true and correct copy of a document Google
23 produced in discovery labeled GOOG-CABR-04261880.

24 74. Attached hereto as **Exhibit 72** is a true and correct copy of a document Google
25 produced in discovery labeled GOOG-CABR-03923580.

26 75. Attached hereto as **Exhibit 73** is a true and correct copy of a document Google
27 produced in discovery labeled GOOG-CABR-03827263.

1 76. Attached hereto as **Exhibit 74** is a true and correct copy of a document Google
2 produced in discovery labeled GOOG-BRWN-00047399.

3 77. Attached hereto as **Exhibit 75** is a true and correct copy of a document Google
4 produced in discovery labeled GOOG-CABR-04991831.

5 78. Attached hereto as **Exhibit 76** is a true and correct copy of excerpts from a
6 document Google produced in discovery labeled GOOG-BRWN-00047341.

7 79. Attached hereto as **Exhibit 77** is a true and correct copy of excerpts from a
8 document Google produced in discovery labeled GOOG-CABR-05269678.

9 80. Attached hereto as **Exhibit 78** is a true and correct copy of excerpts from a
10 document Google produced in discovery labeled GOOG-CABR-04798344.

11 81. Attached hereto as **Exhibit 79** is a true and correct copy of a document Google
12 produced in discovery labeled GOOG-BRWN-00701189.

13 82. Attached hereto as **Exhibit 80** is a true and correct copy of excerpts from a
14 document Google produced in discovery labeled GOOG-BRWN-00042388.

15 83. Attached hereto as **Exhibit 81** is a true and correct copy of excerpts from a
16 document Google produced in discovery labeled GOOG-CABR-04431207.

17 84. Attached hereto as **Exhibit 82** is a true and correct copy of excerpts from a
18 document Google produced in discovery labeled GOOG-CABR-04738550.

19 85. Attached hereto as **Exhibit 83** is a true and correct copy of a document Google
20 produced in discovery labeled GOOG-CABR-04739841.

21 86. Attached hereto as **Exhibit 84** is a true and correct copy of excerpts from a
22 document Google produced in discovery labeled GOOG-CABR-04746153.

23 87. Attached hereto as **Exhibit 85** is a true and correct copy of a document Google
24 produced in discovery labeled GOOG-BRWN-00153850.C.

25 88. Attached hereto as **Exhibit 86** is a true and correct copy of the June 14, 2022
26 Declaration of Google employee Martin Sramek.

27 89. Attached hereto as **Exhibit 87** is a true and correct copy of portions of the
28

1 deposition transcript of Plaintiff Chasom Brown. This deposition was taken on January 13, 2022.

2 90. Attached hereto as **Exhibit 88** is a true and correct copy of portions of the
3 deposition transcript of Plaintiff William Byatt. This deposition was taken on December 20, 2021

4 91. Attached hereto as **Exhibit 89** is a true and correct copy of portions of the
5 deposition transcript of Plaintiff Christopher Castillo. This deposition was taken on February 8,
6 2022.

7 92. Attached hereto as **Exhibit 90** is a true and correct copy of portions of the
8 deposition transcript of Plaintiff Jeremy Davis. This deposition was taken on January 7, 2022.

9 93. Attached hereto as **Exhibit 91** is a true and correct copy of portions of the
10 deposition transcript of Plaintiff Monique Trujillo. This deposition was taken on February 11,
11 2022.

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13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct. Executed this 20th day of June, 2022, at San Francisco, California.

15 /s/ Mark Mao
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